

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

DEC 21 2001

MARK NEWBY, and All Others  
Similarly Situated,

Plaintiff,

v.

ENRON CORP., et al,

Defendants.

AND CONSOLIDATED ACTIONS

C.A. No. H-01-3624 Michael A. Milby, Clerk of Court  
And Consolidated Actions:

01cv3789, 01cv3630, 01cv3670,  
01cv3838, 01cv3647, 01cv3652,  
01cv3889, 01cv3660, 01cv3717,  
01cv3734, 01cv3735, 01cv3681,  
01cv3671, 01cv3682, 01cv3733,  
01cv3647, 01cv3686, 01cv3914,  
01cv4071, 01cv3737, 01cv3736,  
01cv4189, 01cv3839, 01cv3993

JUDGE LEE H. ROSENTHAL

MOTION OF LOCAL 710 PENSION FUND  
FOR APPOINTMENT OF LEAD PLAINTIFF AND COUNSEL

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Counsel for Local 710 Pension Fund

Enron Corporation investor Local 710 Pension Fund hereby moves this Court pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act") as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA") for its appointment to serve as lead plaintiff in the above-captioned securities fraud class action, for the approval of its choice of the law firm of Futterman & Howard Chtd and Kirby McInerney & Squire LLP to serve as plaintiff's lead counsel, and the law firm of Connelly Baker Wotring & Jackson LLP to serve as plaintiff's liaison counsel.

Local 710 Pension Fund purchased millions of dollars of Enron Corporation securities during the Class Period set forth in the above-captioned complaints (October 19, 1998 through November 7, 2001), and lost more than \$2.5 million on those purchases as a result of the defendants' violations of Sections 10(b) and 20(a) of the Exchange Act and Rule 10b-5 of the SEC.

This motion is made on the grounds that Local 710 Pension Fund has timely filed its motion, and believes that it is the proposed lead plaintiff with the largest financial interest in the relief sought in this case, and it is therefore presumed to be the "most adequate plaintiff" pursuant to the PSLRA. Having invested in Enron securities during the Class Period when the prices of Enron securities were artificially inflated as a result of defendants' misconduct, Local 710 Pension Fund was injured by the same conduct that has injured the class as a whole, and its claims are typical of the proposed class claims; Local 710 Pension Fund has also retained competent and

experienced counsel and exhibits no interests antagonistic to those of the proposed class. Therefore, Local 710 Pension Fund will fairly and adequately represent the interests of the proposed class.

This motion is supported by the accompanying memorandum of law, the declaration of Earnest Wotring submitted herewith, the pleadings and other files in the above-captioned actions, and such other written and/or oral argument, as may be presented to the Court.

Dated: December 21, 2001

Respectfully submitted,

CONNELLY BAKER WOTRING & JACKSON LLP

By: E. Wotring  
Earnest Wotring

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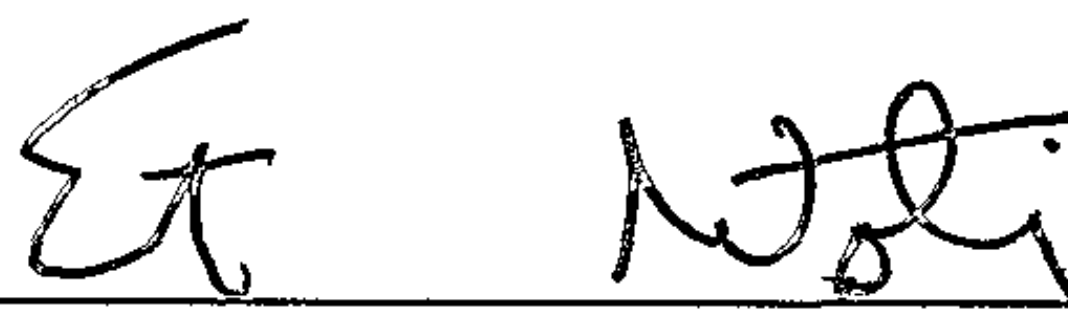
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Movant's Co-Counsel

**CERTIFICATE OF SERVICE**

I, EARNEST WOTRING, an attorney duly admitted to practice before this Court, hereby certify that on the 21 day of December, 2001, I caused a true and correct copy of the MEMORANDUM OF LAW IN SUPPORT OF MOTION OF LOCAL 710 PENSION FUND FOR APPOINTMENT OF LEAD PLAINTIFF AND COUNSEL, PROPOSED ORDER APPOINTING LEAD PLAINTIFF AND APPROVING LEAD PLAINTIFF'S CHOICE OF LEAD COUNSEL AND LIAISON COUNSEL, MOTION OF LOCAL 710 PENSION FUND FOR APPOINTMENT OF LEAD PLAINTIFF AND COUNSEL and DECLARATION OF EARNEST WOTRING IN SUPPORT OF LOCAL 710 PENSION FUND'S MOTION FOR APPOINTMENT OF LEAD PLAINTIFF AND FOR APPROVAL OF LEAD PLAINTIFF'S CHOICE OF COUNSEL AND LIAISON COUNSEL to be served upon the attached service list via First Class Mail.

Dated: Houston, Texas  
December 21, 2001

  
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EARNEST WOTRING